

8

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/775,074	MIYATAKE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Marc S. Zimmer	1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 06/12/06,07/28/06.
2.  The allowed claim(s) is/are 1,2,4,5,8,9,11-14,16-19 and 21-28.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. 10/271,528.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_.
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steve Adrian on August 16, 2006.

The application has been amended as follows:

In claim 23, please insert the phrase

, in the preparation of compound (B),

The Examiner had contacted Applicant because, at first glance, claim 23 did not appear to be further limiting of claim 1. Applicant later postulated that the limitation was supposed to refer to one of the reactants mentioned in synthesizing compound (B) as opposed to the compounds recited in connection with the preparation of compound (A). The Examiner agreed and volunteered to make the proper changes by way of Examiner's amendment. Applicant should note that the Examiner has added the language "preparation of" so as to better define the relationship between component (B) and the alkoxy silane disclosed in claim 23.

### ***Terminal Disclaimer***

The terminal disclaimer filed on July 28, 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of

U.S. Patent # 6,773,121 has been reviewed and is accepted. The terminal disclaimer has been recorded.

In a telephone interview conducted subsequent to Applicant's July 12, 2006 amendment, the Examiner had advised Applicant that an additional non-statutory-type double patenting issue had been observed between claim 4 of the present application and claim 3 of the '121 patent. Indeed, the only thing distinguishing these claims is that claim 3 of the patent recites a synthetic approach for making component (B). Applicant later indicated that they would file a terminal disclaimer as a means of overcoming this rejection.

***Allowable Subject Matter***

Based on the Examiner's indication of allowable subject matter in claim 3, Applicant has amended claim 1 so as to include the limitation of claim 3, i.e that the antireflection film shall also comprise an underlayer derived from a UV-curable resin. Both of the references of record contemplate the employment of an intermediate hardcoat layer, albeit one derived from silicon-based compounds. The Examiner could not conceive of why it would have been obvious to replace the silicon compound-based intermediate layer with one comprising a UV cured organic resin hence the claims are now allowable over *Akamatsu* and *Narisawa*. (The Examiner acknowledges that UV-cured hardcoat layers are conventional in the production of composite antireflection films but those references teaching coating layers derived from a tetraalkoxysilane

condensate and a polysiloxane bearing perfluoroalkyl moieties cited during the prosecution of this case were not used to make antireflection films.)

An updated survey of the prior art did not yield any references more germane than those already cited. Accordingly, claims 1-2, 4-5, 8-9, 11-14, 16-19, and 21-28 are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc S. Zimmer whose telephone number is 571-272-1096. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 12, 2006

*Marc S. Zimmer*  
MARC S. ZIMMER  
PRIMARY EXAMINER